GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Social Welfare Department - Allegation of erroneous promotion by the then Deputy Director (SW) to Sri S.Ramu Naik in the year 2017 by applying Rule of Reservation (RoR) through there is adequacy - Initiated disciplinary action against Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) under Rule 20 of the APCS (CC&A) Rules, 1991, r/w Rule-9(6)(a) of Andhra Pradesh Revised Pension Rules, 1980 - Article of Charges - Issued.

SOCIAL WELFARE (VIGILANCE) DEPARTMENT

G.O.RT.No.171 **Dated: 06.08.2024**

Read the following:

1. From the Collector & District Magistrate, Anantapuramu Lr.Rc.No.SWD-ESTT0HWO (CCS)/2/2021, dt.02.09.2021.
2. G.O.Rt.No.170 Social Welfare (Vig.) Department, Dt. 06.08.2024.

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O R D E R:

It is proposed to hold a detailed inquiry against Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (Now Retired), in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (Now Retired) is directed to submit a written statement of his defence within 10 days of the receipt of this order.

4. Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) is informed that an inquiry will be held only in respect of those Articles of Charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above or otherwise fails or refuses to comply with the provisions of Rule-20 of A.P.C.S. (CC&A) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against his ex-parte.

6. Further attention of Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) is also invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O.)

7. The receipt of the order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K KANNABABU
SECRETARY TO GOVERNMENT

To
Sri S.Roshanna,
the then Deputy Director (SW),
Anantapuramu (now Retired)
(**through** the Director of Social Welfare,
Tadepalli, Guntur District)
The Director of Social Welfare,
Tadepalli, Guntur District.
(**with a request to serve the order on the charged officer and return the served copy to Government for record**)

Copy to:
The Collector & District Magistrate,
A.P., Anantapuramu.
SF/SCs.

// FORWARDED :: BY ORDER//

Ch Srinivasulu
SECTION OFFICER

ANNEXURE-I

DRAFT STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI S.ROSHANNA, THE THEN DEPUTY DIRECTOR (SW), ANANTAPURAMU (NOW RETIRED)

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Article of Charge:

That Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired) has failed to calculate adequacy in STs and erroneously recommended Sri S.Ramu Naik, Hostel Welfare Officer, Grade-II to the promotion to the post of Hostel Welfare Officer Grade-I, to the then District Collector, Anantapuramu, even though one candidate belongs to ST category was already working as Hostel Welfare Officer Grade-I and adequacy was reached (as per G.O.Ms.No.2, SW (SW.ROR1) Department, dt.09-01-2004, when calculated with 6% (Reservation percentage of STs) among total cadre strength (12) of Hostel Welfare Officer Grade-I, it will results as 0.72 which can be rounded to (1) Post., and ST candidate was already working.

Thus, Sri S.Roshanna, the then Deputy Director (SW), Anantapuramu (now Retired), by his above mentioned acts has exhibited lack of integrity, devotion to duty, and conduct of unbecoming of a Government servant and thereby contravened Rule 3(1) (2) & (5) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Basis: Lr.Rc.No.SWD-ESTT0HWO (CCS)/2/2021, dt.02-09-2021 of the District Collector, Anantapuramu along with its enclosures.

K KANNABABU
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER//

Ch Srinivasulu

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI S.ROSHANNA, THE THEN DEPUTY DIRECTOR (SW), ANANTAPURAMU (NOW RETIRED)

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That Sri S.Roshanna, the then Deputy Director (SW) and retired from Government service on superannuation on the AN of 31-07-2018, while working as Deputy Director (SW), Anantapuramu has failed to calculate adequacy in STs, while giving promotions to the post of Grade-I, Hostel Welfare Officer from Grade-II, Hostel Welfare Officers.

Total cadre strength of Grade-I, Hostel Welfare Officers in Anantapuramu District is (12). As per G.O.Ms.No.2, SW (SW.ROR1) Department, dt.09-01-2004, when calculated with 6% (Reservation percentage of STs) among total cadre strength (12) of Hostel Welfare Officers Grade-I, it will results as 0.72, which can be rounded to (1) Post. At the time of giving promotions one Hostel Welfare Officer belonging to ST category was working. But, Sri S.Roshanna, the then Dy. Director (SW) (Now retired), erroneously recommended the name of another ST Hostel Welfare Officer by name Sri S.Ramu Naik, to the post of Hostel Welfare Officer Grade-I, against the ST roster point, to the District Collector, Anantapuramu.

BRIEF FACTS:

On perusal of the Lr.Rc.No.SWD-ESTT0HWO (CCS)/2/2021, dt.02-09-2021 of the District Collector, Anantapuramu along with its enclosures, it is informed that Smt. B.Sreedevi, Hostel Welfare Officer, SW Girls Hostel, Puttaparthi has filed Writ Petition No.8462 of 2021 in the Hon'ble High Court of Andhra Pradesh at Amaravati against the District Collector, Anantapuramu and the Deputy Director (SW), Anantapuramu, stating that her name was not considered for promotion to the post of Hostel Welfare Officer Grade-I while promoting at Roster Point No.8, 25 and 33 reserved for STs.

Consequently, the Director of Social Welfare, Andhra Pradesh, Amaravati while enclosing the Govt. Memo No.SOW01-SWOSERR/32/2021, Social Welfare Department, dt.11-05-2021 has requested to issue speaking orders and take necessary steps for filing counter affidavit in the Hon'ble Court of Andhra Pradesh WP No.8462 of 2021 filed by Smt. B.Sridevi, Hostel Welfare Officer, SW Girls Hostel, Puttaparthi.

Accordingly, Counter affidavit has been prepared and during the discussions held with Government Pleader for Services (SW) Hon'ble High court of AP., Amaravati by the Deputy Director (SW), Anantapuramu, the Government Pleader has confirmed the promotion given to Sri S.Ramu Naik from Hostel Welfare Officer Grade-II to the post of Hostel Welfare Officer Grade-I at Roster point No.25 by applying Rule of Reservation in promotions, even though adequacy of 6% to STs was already achieved is erroneous, hence requested to take necessary steps for disciplinary action on the then Deputy Director (SW), Anantapuramu who has recommended to, the then District Collector, Anantapuramu, so that the same can be appraised to the Hon'ble High Court of Andhra Pradesh.

In WP No.8462 of 2021 filed by Smt. B.Sridevi, Hostel Welfare Officer Grade-II, SW Girls Hostel, Puttaparthi, it is ascertained that the total cadre strength of Hostel Welfare Officer Gr-I is "12", while taking up promotions to the post of Hostel Welfare Officers Grade-II to Hostel Welfare Officers Grade-I in 2017, one Sri S.Ramu Naik, Hostel Welfare Officer Grade-II was promoted to the post of Hostel Welfare Officer Grade-I by applying rule of reservation in promotions under ST category even though Sri M.Krishna Naik, belongs to ST category was already working as Hostel Welfare Officer Grade-I, which is against rules and it is procedural irregularity.

(P.T.O.)

As per G.O.Ms.No.2, Social Welfare (SW.ROR1) Department dt.09-01-2004 when calculated with 6% (Reservation percentage of STs) among total cadre strength (12) of Hostel Welfare Officer Grade-I, it will results as 0.72 which can be rounded to 1 post which shows the promotion given to Sri S.Ramu Naik, is erroneous as even though one candidate belongs to ST category was already working as Hostel Welfare Officer Grade-I. The then Deputy Director (SW), Anantapuramu has failed to calculate adequacy in STs and erroneously recommended the said individual for promotion, to the then District Collector, Anantapuramu. The counter affidavit (06) sets were also submitted to the Government Pleader for Services (SW) in order to submit the same before the Hon'ble High Court of Andhra Pradesh, Amaravati. But she did not acknowledged the same and waiting for action taken by the District Administration to this effect. Therefore, the District Collector has requested to initiate disciplinary action on Sri S.Roshanna, the then Deputy Director (SW),(Retd), Anantapuramu, for the lapses stated above, so as to submit the same to the Government Pleader for services (SW), Hon'ble High Court of Andhra Pradesh, which facilitates to file the counter affidavit in the said Writ Petition.

Thus, Sri S.Roshanna, the then Deputy Director (SW)., Anantapuramu (Retired) by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecome of Government Servant and thereby violated Rule 3 (1) (2) & (5) of APCS (Conduct) Rules, 1964. Hence, the Charge.

K. KANNABABU
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER//

Ch Srinivasulu
SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH ARTICLE OF CHARGES ARE FRAMED AGAINST SRI S.ROSHANNA, THE THEN DEPUTY DIRECTOR (SW), ANANTAPURAMU (NOW RETIRED)

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LIST OF DOCUMENTS:

Lr.Rc.No.SWD-ESTT0HWO (CCS)/2/2021, dt.02-09-2021 of the District Collector Anantapuramu along with its enclosures.

K. KANNABABU
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER//

Ch Srinivasulu

SECTION OFFICER

ANNEXURE - IV

LIST OF WITNESSES BY WHICH ARTICLE OF CHARGES ARE FRAMED AGAINST SRI S.ROSHANNA, THE THEN DEPUTY DIRECTOR (SW), ANANTAPURAMU (NOW RETIRED)

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List of Witnesses:

-NIL-

Basis: Lr.Rc.No.SWD-ESTT0HWO (CCS)/2/2021, dt.02-09-2021 of the District Collector, Anantapuramu along with its enclosures.

K. KANNABABU
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER//

Ch Srinivasulu
SECTION OFFICER